UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,239	01/14/2002	Yuuichirou Ikeda	1046.1265	9427

			EXAMINER
21171	7590	07/25/2006	DANG, HUNG Q

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ART UNIT	PAPER NUMBER
2633	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

03)

	Application No.	Applicant(s)
Office Action Summary	10/043,239	IKEDA ET AL.
	Examiner	Art Unit	
	Hung Q. Dang	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*14 January 2002*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*14 January 2002*</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*03/08/02, 12/16/03*</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements filed 01/14/2002 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the

application file, but the information referred to therein has not been considered. A copy

of the document designated as "09-312811 was not supplied by applicants and the

reference number provided cannot locate the document.

Specification

Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet **within the range of 50 to 150 words**. It is important
that **the abstract not exceed 150 words in length** since the space provided for the
abstract on the computer tape used by the printer is limited. The form and legal
phraseology often used in patent claims, such as "means" and "said," should be
avoided. The abstract should describe the disclosure sufficiently to assist readers in
deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

The disclosure is objected to because of the following informalities: The

Electronic Program Guide (EPG) is misspelled in lines 7 and 9 of page 3; there is an

extra "the" between "inputted" and "character" in line 20 of page 15; either a quotation

mark is missing line 23 of page 33 or there is an unneeded quotation mark in line 24 of

page 33; "of" is missing after "by use" in line 23 of page 39; "indicates" should be used instead of "indications" in line 26 of page 42.

Appropriate correction is required.

Drawings

The drawings are objected to because of incompleteness and parts' description misspelled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

There are no physical or logical connections shown between the "Broadcast Receiving Unit" and other parts in Figure 1.

Description of the cell in first row, third column of Figure 6 is misspelled. It should

be "Title of Program" instead of "Titel of Program."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 1-8 are drawn to "modules" as the applicants disclosed in the

specification: "program search module defined as an application program executed by

the CPU." However, it appears that such would reasonably be interpreted by one of

ordinary skill in the art as software, per se. This subject matter is not limited to that

which falls within a statutory category of invention because it is not limited to a process,

machine, manufacture, or a composition of matter. Software does not fall within a

statutory category since it is clearly not a series of steps or acts to constitute a process,

not a mechanical device or combination of mechanical devices to constitute a machine,

not a tangible physical article or object which is some form of matter to be a product and

constitute a manufacture, and not a composition of two or more substances to constitute

a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (US Patent 6,931,657)

Claim 1 is drawn to a reservation control unit comprising: (1) a search request module requesting a program information retaining unit to search for program information; (2) a reservation request module requesting a program reservation unit to reserve viewing or recording the program; (3) an information obtaining module to obtain information related to program contents of the program received by a program unit; based on program information.

Marsh anticipates a reservation control unit comprising: (1) a search request module requesting a program information retaining unit (column 6, lines 15-21) to search for program information (column 5, lines 65-67; column 6, lines 1); (2) a reservation request module requesting a program reservation unit to reserve viewing or recording the program (column 6, lines 8-14); (3) an information obtaining module to obtain information related to program contents of the program received by a program unit (column 5, lines 26-41); based on program information.

Claims 9 and 17 are drawn to a program preserving method or a storage medium embodying program instructions readable and executable by the machine, comprising: (1) obtaining information related to a program from contents of a received program; (2) searching for a broadcast date/time of the program related on the basis of the

information related to the program; and (3) making a request for reserving the program

on the basis of the broadcast date/time.

Marsh anticipate a reserving method comprising: (1) obtaining information related

to a program from contents of a received program (column 5, lines 26-41); (2) searching

for a broadcast date/time of the program related on the basis of the information related

to the program (column 5, lines 15-18: note that EPG database contains program

schedules, which contain broadcast date/time of the programs); and (3) making a

request for reserving the program on the basis of the broadcast date/time (column 6,

lines 8-14).

Claim 2, 10, and 18 are drawn to voice recognizing and voice converting of

voices contained in the received program into character information, and obtains the

character information from the voice.

Marsh anticipates the information obtaining module includes voice recognizing

and voice converting of voices contained in the received program into character

information, and obtains the character information from the voice (column 7, lines 54-

58).

Claim 3, 11, and 19 are drawn obtaining the character information from a caption

contained in the received program, which is anticipated by Marsh (column 7, lines 43-

46).

Claims 1, 4, 9, 12, 17 and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Arai et al. (US Patent 6,751,401).

Claim 1 is drawn to a reservation control unit comprising: (1) a search request

module requesting a program information retaining unit to search for program

information; (2) a reservation request module requesting a program reservation unit to

reserve viewing or recording the program (3) an information obtaining module to obtain

information related to program contents of the program received by a program unit ;

based on program information.

Arai et al. anticipate to a program reservation system comprising: (1) a search

request module (column 13, lines 60-62) requesting a program information retaining unit

(column 13, lines 62-67; column 14, lines 1-2) to search for program information; (2) a

reservation request module requesting a program reservation unit to reserve viewing or

recording the program (column 14, lines 3-17); (3) an information obtaining module to

obtain information related to program contents of the program received by a program

unit (column 13, lines 9-15); based on program information.

Claims 9 and 17 are drawn to a program preserving method or a storage medium

embodying a program instructions readable and executable by the machine,

comprising: (1) obtaining information related to a program from contents of a received

program; (2) searching for a broadcast date/time of the program related on the basis of

the information related to the program; and (3) making a request for reserving the

program on the basis of the broadcast date/time.

Arai et al. anticipate a program preserving method; hence able to be

implemented on a storage medium embodying program instructions readable and

executable by the machine, comprising the steps of : (1) obtaining information related to

a program from contents of a received program (column 13, lines 9-15); (2) searching

for a broadcast date/time of the program related on the basis of the information related

to the program (column 13, lines 62-67; column 14, lines 1-2); and (3) making a request

for reserving the program on the basis of the broadcast date/time (column 14, lines 3-

17).

Claims 4, 12, and 20 are drawn to the program information being obtained from a

data broadcast multiplexed with a program broadcast, which is anticipated by Arai et al.

(column 2, lines 54-61).

Claims 1, 5, 9, 13, 17, 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Logan (US PgPub 2002/0120925), which takes the priority date of

provisional applications filed on 01/29/2001 and 07/11/2001.

Claim 1 is drawn to a reservation control unit comprising: (1) a search request

module requesting a program information retaining unit to search for program

information; (2) a reservation request module requesting a program reservation unit to

reserve viewing or recording the program (3) an information obtaining module to obtain

information related to program contents of the program received by a program unit ;

based on program information.

Logan anticipates program recording, editing and playback system using

metadata comprising: (1) a search request module [0092] requesting a program

information retaining unit (see [0087], [0091]) to search for program information

(metadata) (see [0124]); (2) a reservation request module requesting a program

reservation unit to reserve viewing or recording the program (see [0262], [0271],

[0275]); (3) an information obtaining module ([0074], [0076]) to obtain information related to program contents of the program received by a program unit ; based on program information.

Claims 9 and 17 are drawn to a program preserving method or a storage medium embodying a program instructions readable and executable by the machine, comprising: (1) obtaining information related to a program from contents of a received program; (2) searching for a broadcast date/time of the program related on the basis of the information related to the program; and (3) making a request for reserving the program on the basis of the broadcast date/time.

Logan anticipates a program preserving method; hence able to be implemented on a storage medium embodying program instructions readable and executable by the machine, comprising the steps of: (1) obtaining information related to a program from contents of a received program ([0074], [0076]); (2) searching for a broadcast date/time of the program related on the basis of the information related to the program ([0091], [0092], [0093]-[0097]); and (3) making a request for reserving the program on the basis of the broadcast date/time (see [0262], [0264], [0271], [0093]-[0097]).

Claims 5, 13, and 21 are drawn to scenario data retaining unit, accessing scenario data of the program and obtaining information from the scenario data. Logan anticipates scenario data retaining unit (see [0087], [0088], and [0124]), accessing scenario data of the program and obtaining information from the scenario data (see [0093]-[0097], [0124]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-8, 14-16, and 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan (US PgPub 2002/0120925), which takes priority benefit of

provisional applications filed on 01/29/2001 and 07/11/2001, as applied to claims 1, 5,

9, 13, 17, 21 above, and further in view of Arai et al. (US Patent 6,751,401) and Chaal

(URL: http://www.derekmain.com/Dwsite/NetworkingWebsite/mux.html).

Claims 6, 14, and 22 are drawn to obtaining the information from the scenario

data transmitted in multiplexing with the program broadcast. Claims 7-8, 15-16, and 23-

24 are drawn to the scenario data containing an elapse time since the start of the

program, or the scenario data containing an elapse time since the scenario data

transmission date/time and the character information describing the program contents at

this elapse time.

Logan teaches the program information including the scenario data being

combined with the programming contents as transmitted to the users (see [0045]).

Logan teaches to the scenario data represented by metadata, containing an elapse time

since the start of the program (see [0093]-[0097]), or the scenario data containing an

elapse time since the scenario data transmission date/time ([0090]) and the character

information describing the program contents at this elapse time ([0093]-[0097]). Logan

also teaches the program information including the scenario data being combined with

the programming contents as transmitted to the users (see [0045]). However, Logan

does not teach the program information, in general, or scenario data specifically, being

multiplexed with the program contents.

Arai teaches the program information being multiplexed with program contents

(see column 2, lines 56-57, lines 63-67).

One of ordinary skill in the art at the time the invention was made would have

been motivated to incorporate the concept of multiplexing the program information with

the program contents taught by Arai et al. into the concept of transmitting the program

information as metadata, which contains the scenario data, in combination with the

program contents taught by Logan because, according to Sangeeta Chaal, in data

transmission, multiplexing allows multiple signals to be transmitted over a single link by

permitting two or more data sources to share a common transmission medium.

Therefore the invention as a whole would have been prima facie obvious to one

of ordinary skill in the art at the time the invention was made, absent unexpected results
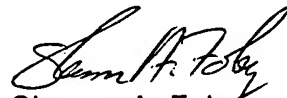
to the contrary.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung Q. Dang whose telephone number is 571-270-

1116. The examiner can normally be reached on M-Th:7:30-5:00; every other Friday:

7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Q. Dang
Patent Examiner

Shanon A. Foley
Supervisory Patent Examiner